

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07 CV 117**

NATASHA SINCLAIR,

Plaintiff,

Vs.

**MOBILE 360, INC.; AUTO
ADVANTAGE, INC.; KEVIN GEAGAN
and GERALD ELDRIDGE,**

**Defendants and
Third-Party Plaintiffs,**

Vs.

MICHAEL KITCHEN,

**Third-Party Defendant
and Counter claimant,**

ORDER

THIS MATTER came on for hearing before the undersigned, pursuant to an Order (#119) entered by this court directing that counsel for the parties appear for a status conference on June 17, 2011 at 10:30 a.m. to address how to move this matter forward and the best procedure for implementing the mandate of the Fourth Circuit. At the call of the matter on for hearing it appeared that plaintiffs were not present but were represented by their attorney, Philip J. Roth, Jr. and defendants were not present but were represented by their attorney, Kevin P. Kopp. After hearing from the

attorneys for the parties, the undersigned has determined to enter the following scheduling Order.

Counsel for plaintiff and third-party defendant and counter claimant will be allowed to filed a response as provided by the Local Rules to defendants' Motion to Dismiss (#74); the response shall be filed on or before July 1, 2011. Counsel for defendant and third-party plaintiffs will be allowed to file a reply to the response on or before July 8, 2011. On July 15, 2011, the undersigned will conduct an evidentiary hearing in regard to defendant's Motion to Dismiss. The hearing will be held at 9:30 o'clock a.m. in Courtroom #1 of the United States Courthouse in Asheville, North Carolina. This matter will be scheduled as the first case for trial at the October 11, 2011 session of civil court in Asheville, North Carolina to begin at 9:00 o'clock a.m.

ORDER

IT IS, THEREFORE, ORDERED that:

- 1) Counsel for plaintiff and third-party defendant and counter claimant will be allowed to filed a response as provided by the Local Rules to defendants' Motion to Dismiss (#74);
- 2) The response shall be filed on or before **July 1, 2011**;
- 3) Counsel for defendant and third-party plaintiffs will be allowed to file a reply to the response on or before **July 8, 2011**;
- 4) On **July 15, 2011**, the undersigned will conduct an evidentiary hearing in regard to defendant's Motion to Dismiss. The hearing will be held at **9:30 o'clock**

a.m. in Courtroom #1 of the United States Courthouse in Asheville, North Carolina.

This matter will be scheduled as the first case for trial at the October 11, 2011 session of civil court in Asheville, North Carolina to begin at 9:00 o'clock a.m.

Signed: June 22, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

